IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Gopal alias Gopi. Versus State of Rajasthan.

S.B. Criminal Misc. Petition No. 1405/2005

...

Date of Order: August 04, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. C.S. Rajpurohit, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioner seeks a direction to run the sentences concurrently awarded to him in Criminal Cases No. 24/2005 (287/2004), 408/2004 (25/2005), 411/2004, 26-A/2005 (420/2004) and 23/2006.

I have heard learned counsel for the petitioner and the Public Prosecutor. Perused the judgments and orders passed by the Court below in the above-noticed cases.

It appears that in almost all the cases, the allegation against the petitioner is that he committed the theft of motorcycles of the complainants in various cases. In all the six cases, the allegation against the petitioner is that he committed the theft of motorcycles of the complainants in the respective

cases. It appears from the impugned orders that the petitioner is a habitual vehicles-lifter. Apart from the cases, in which the petitioner has been convicted and sentenced, from the memo of the petition, it appears that numerous cases are still pending against him in various Courts including the Court at Jodhpur, for which he has been lodged in the Central Jail, Jodhpur. This shows that the petitioner is a habitual offender and keeping in view that the petitioner is a habitual offence, no direction to run the sentences concurrently was given by the Court below. In absence of any direction to run the sentences concurrently or consecutively, it is to be presumed that the Court below intended the sentences to run consecutively. In the circumstances, therefore, it is not a fit case warranting any direction in the inherent jurisdiction under Section 482 Cr.P.C.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs